

SENATE BILL 2176

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 16, relative to eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 16, is amended by adding the following as a new, appropriately designated section:

29-16-128.

(a) Except as otherwise provided in subsection (c), if the governing body of the condemning authority determines that publicly owned property acquired by eminent domain has not been used and is no longer needed for a public use, the authority must offer to sell the property to the owner from whom it was acquired, if the former owner can be located. The offer must be, the lower of the:

(1) Original price, adjusted for inflation or deflation by the consumer price index, that was determined by the condemnation process; or

(2) Current fair market value of the property.

(b) If the former owner cannot be located after a due and diligent search or declines to repurchase the property, the attorney for the condemning authority shall prepare a certificate attesting to the fact that the former owner cannot be located and record the certificate in the office of the county recorder in the county in which the property is located to evidence the termination of the right of first refusal. A recorded certificate to that effect is prima facie evidence that the right of first refusal has terminated.

(c) The former owner's right shall terminate ten (10) years after the date of

acquisition by the governing body of the condemning authority by conveyance or date of taking in condemnation of the property. The former property owner's right shall not transfer to the owner's heirs.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to publicly owned property acquired by eminent domain on or after the effective date of this act.